

REQUEST	Text amendment to Sections 9.101, 9.203, 9.303, 9.404, 9.503, 9.603, 9.703, 9.803, 9.8503, 9.903, 9.1003, 9.1103, 9.1206, 11.203, 11.403, 11.703, and 12.539 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to: <ol style="list-style-type: none"> 1) modify the name of "outdoor seasonal fresh produce" to "outdoor fresh produce stands"; 2) expand the number of zoning districts in which outdoor fresh produce stands are permitted with prescribed conditions; and 3) modify the prescribed conditions for outdoor fresh produce stands.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Griffith seconded by Commissioner Johnson).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL this petition.
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VOTE	<table border="0"> <tr> <td>Motion/Second:</td> <td>Griffith/Phipps</td> </tr> <tr> <td>Yeas:</td> <td>Griffith, Firestone, Johnson, Phipps, and Zoutewelle</td> </tr> <tr> <td>Nays:</td> <td>None</td> </tr> <tr> <td>Absent:</td> <td>Allen, Dodson, and Rosenburgh</td> </tr> <tr> <td>Recused:</td> <td>None</td> </tr> </table>	Motion/Second:	Griffith/Phipps	Yeas:	Griffith, Firestone, Johnson, Phipps, and Zoutewelle	Nays:	None	Absent:	Allen, Dodson, and Rosenburgh	Recused:	None
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Yeas:	Griffith, Firestone, Johnson, Phipps, and Zoutewelle										
Nays:	None										
Absent:	Allen, Dodson, and Rosenburgh										
Recused:	None										
ZONING COMMITTEE DISCUSSION	<p>Staff presented an overview of the text amendment, past modifications, and summarized the newest revision.</p> <p>A Commissioner asked if this text amendment would result in any produce vendors being displaced or put out of business. Staff responded that the amendment doesn't affect any vendor's business model, and if anything, is more flexible and less restrictive. No vendor would be negatively affected.</p> <p>A recent e-mail, received by a Commissioner from a produce stand operator expressed concern 1) for operation in the winter months, and 2) for produce stand operations within a building. There was a brief discussion that operating during the winter months with the frequent warm temperatures experienced in Charlotte, should not preclude operation during the winter months. The selling of produce within a building is permitted in certain zoning districts, and the regulations for that type of use are separate from these for a produce stand.</p> <p>There were no further questions.</p>										
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.										

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

- A public hearing for this text amendment was held January 18, 2011. Based on concerns raised at the meeting, the text amendment was revised by staff.
- On April 27, 2011, the Zoning Committee voted unanimously to recommend a new public hearing, based upon the fact that the modifications were considered substantial. City Council directed staff on May 16, 2011 to hold a new public hearing on June 20, 2011. Based on concerns raised by citizens, City Council, and the Planning Commission, staff revised the text amendment.
- Current regulations for “outdoor seasonal fresh produce stands” include:
 - Allowed in UR-C, B-1, B-2 and CC zoning districts.
 - Permitted as an accessory use, located on a lot occupied by another non-residential use.
 - Required to meet design standards.
 - Limited to 360 square feet.
 - Must provide five off-street parking spaces.
 - Hours of operation shall be from one-half hour after sunrise to one-half hour after sunset.
 - Can only operate for 180 days at a time on one site, from April 1 to October 15.

• Proposed Request Details

- The text amendment contains the following provisions:
 - Allows fresh produce stands in all zoning districts as follows:
 - Residential, districts:
 - Only allowed as an accessory use to a religious institution, school, university, college, hospital, or office use, when located on a lot abutting a major thoroughfare.
 - All outdoor fresh produce stands on a lot shall not exceed 750 square feet of the total lot area.
 - Must meet prescribed conditions.
 - Office and institutional districts:
 - Only allowed as an accessory use to a religious institution, school, university, college, hospital, or office use, located on the same lot.
 - All outdoor fresh produce stands on a lot shall not exceed 1500 square feet of the total lot.
 - Must meet prescribed conditions.
 - All other districts:
 - All outdoor fresh produce stands shall not exceed 1500 square feet of the lot.
 - Prescribed conditions for outdoor fresh produce stands in all districts include:
 - A zoning permit, valid from January 1 to December 31, unless a shorter duration is requested. The use may operate all year.
 - The fresh produce stand(s) must be located on a lot that is legally conforming and in compliance with all zoning regulations.
 - The property owner’s written permission to operate on the site.
 - No buildings are permitted in association with the use in residential, office, or institutional districts.
 - Hours of operation shall be one-half hour after sunrise to one-half hour after sunset.
 - Five off-street-street parking spaces shall be provided for all outdoor fresh produce stands on the same parcel.
 - One identification sign not to exceed 15 square feet may be attached to the produce stand. No detached signs are permitted.
 - Setback for all sale items and parking shall be the setback of the district, but not less than 20 feet from the right-of-way.
 - A temporary, fabric covered canopy or tent may be utilized, if removed daily.
 - A zoning placard must be posted in a visible location on the produce stand, while in use.
 - The produce stand vendor is responsible for removal of all trash and spoiled product on a daily basis and at the conclusion of the season, or termination of the permit.
 - Only one of the following uses or events shall occur on the same lot at the same time: outdoor fresh produce stand(s), or periodic retail sales events (either off-premise, or on-premise) or outdoor seasonal sales event.

- **Public Plans and Policies**
 - The petition is consistent with adopted policy.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

Planner: Sandra Montgomery (704) 336-5722